

TROY LAW, PLLC
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41-25 Kissena Boulevard Suite 103
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*Attorney for the Plaintiff, proposed FLSA Collective and
potential Rule 23 Class*

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X
GUOPING GU,
*on his own behalf and on behalf of others similarly
situated*

Plaintiff,

v.

LEMONLEAF THAI RSTaurant MINEOLA
CORPORATION d/b/a Lemon Leaf Thai Restaurant;
JIN HUI HE, and
HENG LIN

Defendants.
-----X

Case No. 18-cv-06614

**COURT AUTHORIZED
NOTICE OF 29 U.S.C. § 216(b)
COLLECTIVE ACTION**

**IMPORTANT NOTICE
ADVISING YOU OF YOUR
RIGHTS**

TO: Current and former non-exempt employees employed at any time from November 19, 2015 to the present by:

(1) LEMONLEAF THAI RSTaurant MINEOLA CORPORATION d/b/a Lemon Leaf Thai Restaurant, located at 197 Mineola Blvd., Mineola, NY 11501;
(2) JIN HUI HE, and
(2) HENG LIN.
(*hereinafter* "Defendants")

If you worked for Defendants at any time since November 19, 2015, the purpose of this Notice is to advise you of this lawsuit, and to further advise you of certain rights you may have with respect to this action.

Plaintiff GUOPING GU worked and/or works for Defendants and has brought this action on behalf of all other current and former employees who have worked for Defendants at any time since November 19, 2015.

The lawsuit seeks monetary damages under the Fair Labor Standards Act (29 U.S.C. 201 et seq.) and New York Labor Law for allegedly owed minimum wages and overtime wages, Defendants deny these allegations.

THIS NOTICE is meant to advise you of your right to participate in this lawsuit as a claimant

and plaintiff under the Fair Labor Standards Act if you worked for Defendants at any time from November 19, 2015 to the present and: (i) were not paid at least the minimum wage for all hours worked; (ii) were not paid overtime for all hours worked over 40; (iii) were not paid out of pocket expenses to delivery experts on the road.

No determination has been made that you are owed any amount of money, and the Court is not endorsing the merits of this lawsuit or advising you to participate in this lawsuit. You are under no obligation to respond to this notice.

Federal law prohibits Defendants from retaliating against you or discriminating against you if you wish to join this lawsuit

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
ASK TO BE INCLUDED	If you wish to be included, you must complete the form at the end of this Notice.
DO NOTHING	By doing nothing, you will not be included in the portion of the lawsuit relating to claims under the Fair Labor Standards Act.

Your options are explained in this notice. To ask to be included in this lawsuit, you must act before (60 days from date notice is sent out.)

01. Why did I get this notice?

You are getting this notice because Defendants' records show that you work or worked for Defendants at some time from November 19, 2015 through the present.

02. What is this lawsuit about?

This lawsuit is about whether the Defendants properly paid its employees in accordance with federal and New York State labor law. In the portion of the lawsuit brought under the Fair Labor Standards Act ("FLSA"), the lawsuit alleges that Defendants (i) failed to pay employees the full minimum wage for all hour worked; (ii) failed to pay overtime for all hours worked over 40; (iii) failed to pay out of pocket expenses to delivery experts on the road.

Defendants deny these allegations.

03. What damages is the lawsuit seeking?

The lawsuit is seeking to recover unpaid minimum wages, overtime pay, out of pocket expenses to delivery experts on the road, and "liquidated damages," which doubles the amount of wages owed. The lawsuit is also seeking recovery of costs and attorneys' fees.

04. What happens if I join the lawsuit?

If you choose to join this lawsuit, you will be bound by any ruling, settlement or judgment, whether favorable or unfavorable. You will also share in any proceeds from a settlement or a favorable judgment.

By joining this lawsuit, you designate Plaintiff GUOPING GU as your representative, and to the fullest extent possible, you designate Plaintiff and his counsel to make decisions on your behalf concerning the case, the method and manner of conducting the case, and all other matters pertaining to this lawsuit. Decisions made and agreements entered into by Plaintiff relating to the lawsuit will be binding on you if you join the lawsuit.

While this lawsuit is pending, as part of the discovery process, you may be asked to provide documents or information relating to your employment with Defendants, which may include responding to written questions or answering questions in person under oath, either before or at trial. For this reason, if you join the lawsuit, you should preserve all documents relating to the Defendants currently in your possession. You also may be asked to sit for a deposition scheduled at your convenience and/or asked to testify at a trial in the Eastern District of New York Courthouse.

05. Can Defendants and/or my current employer retaliate or fire me if I join the lawsuit?

No. It is a violation of Federal law for Defendants to fire, discipline, or in any manner discriminate or retaliate against you for taking part in this case.

06. Can I participate in this lawsuit, even though, due to my immigration status, I did not work or am not working for Defendants legally?

Yes. Your immigration status does not affect your entitlement to recover back wages or to participate in the lawsuit.

07. How do I ask the Court to include me in the case?

Enclosed is a form called the "Plaintiff Consent Form." **If you choose to join the lawsuit, it is extremely important that you read, sign, and promptly return the Plaintiff Consent Form.**

An addressed and postage paid envelope is enclosed for your convenience. Should the enclosed envelope be lost or misplaced, the Plaintiff Consent form must be sent to the following address:

TROY LAW PLLC
41-25 Kissena Boulevard, Suite 103
Flushing, NY 11355

RE: *GU, et al. v. LEMONLEAF THAI RSTAURANT MINEOLA CORPORATION*
d/b/a Lemon Leaf Thai Restaurant et al.

The signed Plaintiff Consent Form must be postmarked, faxed, or emailed by (60 days from mailing). If your Plaintiff Consent Form is not postmarked, faxed, or emailed by (60 days from mailing), you may not be able to participate in the federal law portion of this case or share in a monetary damage. You can also fax the "Consent to Join" form to 7187621324 or scan and email it to TroyLaw@TroyPllc.com.

08. Do I have a lawyer in this case?

If you choose to join this lawsuit, you will be represented by Plaintiffs' Counsel: Troy Law, PLLC, 41-25 Kissena Boulevard, Suite 119, Flushing, New York 11355, (718) 762-1324.

09. Should I get my own lawyer?

You do not need to hire your own lawyer because Plaintiffs' Counsel will be working on your behalf. However, you have a right to hire an attorney of your choice to represent you in this matter. If you are represented by other counsel, you will need to confer with them regarding their costs and fees.

10. How will the lawyers be paid?

You will not be required to pay any out of pocket expense for services provided by Plaintiffs' counsel Troy Law, PLLC. If you choose to be represented by Plaintiffs' attorneys, their costs and fees will be paid out of any settlement or money judgment the class receives against Defendants. If there is no settlement or money judgment, Plaintiffs' counsel will not receive any fee. Further information about this Notice, the deadline for joining the lawsuit, the form provided or answers to other questions concerning this lawsuit may be obtained by contacting the Plaintiffs' attorney John Troy, Esq., telephone number (718) 762-1324. Any communication with Troy Law, PLLC is **privileged and confidential** and will not be disclosed to anyone without your permission.

If you select an attorney other than Plaintiffs' counsel to represent you in this action, you may join this lawsuit by submitting an appropriate consent form directly to the Clerk of Court by the deadline indicated herein.

11. What happens if I do nothing at all?

If you choose to not join this lawsuit, you will not be affected by any settlement or judgment rendered in this case, whether favorable or unfavorable.

12. This notice has been authorized by the court.

This notice and its contents have been authorized by Magistrate Judge Anne Y. Shields for the Eastern District of New York. The Court has not yet ruled on whether Plaintiffs' claims or Defendants' defenses have any merit.

Please do not write or call the court about this notice.

Although the Court has approved the sending of this Notice, the Court expresses no opinion on the merits of the Lawsuit.

CONSENT TO JOIN LAWSUIT

IF YOU RECEIVED THIS FORM AND WANT TO JOIN THIS LAWSUIT, PLEASE COMPLETE THESE TWO STEPS:

- A. COMPLETE AND SIGN THIS CONSENT TO JOIN LAWSUIT FORM; AND
B. USE THE ENCLOSED ENVELOPE TO RETURN THIS FORM TO THE
ADDRESS BELOW NOT LATER THAN September 12, 2019.

1. I consent to be a party plaintiff in the lawsuit *GU, et al. v. LEMONLEAF THAI RESTAURANT MINEOLA CORPORATION d/b/a Lemon Leaf Thai Restaurant, et al.*, U.S. District Court, Eastern District of New York, Civil Action No. 18-cv-06614 in order to seek redress for violations of the Fair Labor Standards Act, pursuant to 29 U.S.C. § 216(b).

2. By signing and returning this consent form, I hereby designate Plaintiff GUOPING GU and his counsel Troy Law, PLLC ("the Firm") to represent me and make decisions on my behalf concerning the litigation and any settlement. I understand that reasonable costs expended on my behalf will be deducted from any settlement or judgment amount on a pro rata basis among all other plaintiffs. I understand that the Firm will petition the Court for reasonable attorneys' fees and expenses should this case settle or a money judgment is received and will receive a proportion of any such gross settlement or judgment amount. I agree to be bound by any adjudication of this action by a court, whether it is favorable or unfavorable.

YOU CAN ALSO FAX THE CONSENT TO JOIN FORM TO 7187621342
OR SCAN AND EMAIL IT TO: TroyLaw@TroyPllc.com

Name (printed)

Signature

Date

Street Address

City, State, Zip

Best Telephone Number(s)

Email

Start Date

End Date

Mail to:

**TROY LAW, PLLC,
41-25 KISSENA BOULEVARD, SUITE 103
FLUSHING, NY 11355
RE: *GU, et al. v. LEMONLEAF THAI RSTaurant MINEOLA CORPORATION d/b/a
Lemon Leaf Thai Restaurant et al.***